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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 CHARLOTTE WINELAND, *et al.*,

9 Plaintiffs,

10 v.

11 AIR & LIQUID SYSTEMS
CORPORATION, *et al.*,

12 Defendants.
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NO. C19-0793RSL

ORDER DENYING DEFENDANT
ALFA LAVAL'S MOTION TO
DISMISS FOR LACK OF
PERSONAL JURISDICTION

15 This matter comes before the Court on "Defendant Alfa Laval Inc.'s Motion to Dismiss
16 for Lack of Personal Jurisdiction." Dkt. # 76.¹ Plaintiffs have the burden of demonstrating that
17 the Court may exercise personal jurisdiction over each defendant named in this action. In re W.
18 States Wholesale Natural Gas Antitrust Litig., 715 F.3d 716, 741 (9th Cir. 2013). Plaintiffs have
19 sued twenty-six defendants based on the same generic, conclusory allegations regarding their
20 contacts with the State of Washington. See, e.g., Dkt. # 53 at ¶ 2.1 ("Plaintiffs' claims in this
21 case arise out of or relate to Defendants' contacts with Washington that arose or existed at the
22 time of Mr. Wineland's asbestos exposure."). Alfa Laval challenges the adequacy of these
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26 ¹ This matter can be decided on the papers submitted. The parties' requests for oral argument are
27 therefore DENIED.

1 allegations, asserting that they are insufficient to raise a plausible inference that Alfa Laval has
2 sufficient contacts with the forum state to justify this Court's exercise of personal jurisdiction.
3 Alfa Laval argues that "[a]bsent admissible evidence that Mr. Wineland's exposure to asbestos
4 arises out of activity that Alfa Laval purposefully directed [activities] at the State of Washington,
5 Plaintiffs' Complaint against Alfa Laval must be dismissed." Dkt. # 76 at 7.²
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7 In response, plaintiffs have come forward with evidence of the following:

- 8 ● Alfa Laval is responsible for DeLaval and Sharples purifiers, both of which contain
9 asbestos;
- 10 ● a DeLaval purifier was shipped by Alfa Laval to the J.M. Martinac Shipbuilding
11 Company in Tacoma, Washington, for installation on the USS Pledge, a ship on which the
12 deceased served;
- 13 ● Alfa Laval provided replacement parts, including asbestos-containing gaskets, for
14 purifiers installed on Navy ships;
- 15 ● major repairs to Alfa Laval's purifiers had to be performed at a shipyard, at which point
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19 ² The Ninth Circuit has established a three-prong test to determine whether the Court may
20 exercise specific personal jurisdiction. See, e.g., Dole Food Co., Inc. v. Watts, 303 F.3d 1104, 1111 (9th
21 Cir. 2002). Plaintiffs bear the burden of establishing the first two prongs, namely that (1) [t]he non-
22 resident defendant must purposefully direct his activities or consummate some transaction with the
23 forum or resident thereof; or perform some act by which he purposefully avails himself of the privileges
24 of conducting activities in the forum, thereby invoking the benefits and protections of its laws [and] (2)
25 the claim must be one which arises out of or relates to the defendant's forum-related activities"
26 Morrill v. Scott Fin. Corp., 873 F.3d 1136, 1142 (9th Cir. 2017). "Where, as here, the defendant's
27 motion is based on written materials rather than an evidentiary hearing, 'the plaintiff need only make a
28 prima facie showing of jurisdictional facts to withstand the motion to dismiss.'" CollegeSource, Inc. v.
AcademyOne, Inc., 653 F.3d 1066, 1073 (9th Cir. 2001) (quoting Brayton Purcell LLP v. Recordon &
Recordon, 606 F.3d 1124, 1127 (9th Cir. 2010)).

1 Alfa Laval would send its employees out - including to shipyards in Washington - to repair the
2 purifiers.

3 Dkt. # 46 at 3-4. The Court finds that plaintiffs' allegations, supplemented by evidence that Alfa
4 Laval shipped asbestos-containing products to Washington for installation on a ship on which
5 the deceased worked, is sufficient to establish a prima facie case of personal jurisdiction at this
6 stage of the litigation.³
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9 For all of the foregoing reasons, defendant Alfa Laval's motion to dismiss for lack of
10 personal jurisdiction (Dkt. # 76) is DENIED.
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13 Dated this 22nd day of January, 2020.

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15 Robert S. Lasnik
16 United States District Judge
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25 ³ Alfa Laval has offered no evidence regarding its activities during the relevant time frame. This
26 decision is without prejudice to its ability to prove that it did not, in fact, supply asbestos-containing
27 materials to which plaintiff was exposed.